

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OFER YOSEF, : 08 Civ. 11086 (SHS)

Petitioner, :

-against- : ORDER

JANICE KILLIAN, *ET AL.*, :

Respondents. :

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SIDNEY H. STEIN, U.S. District Judge.

In a Report and Recommendation dated June 25, 2009, Magistrate Judge Frank Maas recommended that the petition for a writ of *habeas corpus* be denied. After a *de novo* review of (1) Magistrate Judge Maas' Report and Recommendation, (2) petitioner's objections dated July 8, 2009 to the Report and Recommendation, (3) respondents' letter dated July 23, 2009 in response to petitioner's objections, (4) a letter dated July 23, 2009 from Michael Rosenberg in support of petitioner; and (5) petitioner's letter dated July 28, 2009 in reply to respondents' July 23 letter,

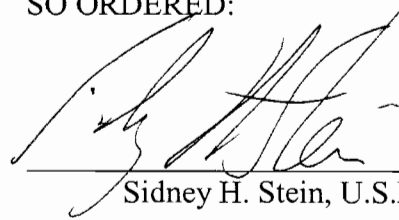
IT IS HEREBY ORDERED that:

1. Magistrate Judge Maas' "Report and Recommendation" is adopted;
2. The petition pursuant to 28 U.S.C. § 2241 is dismissed;
3. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

4. Pursuant to 28 U.S.C. § 1915(a) the Court certifies that any appeal from this Order would not be taken in good faith.

Dated: New York, New York
August 4, 2009

SO ORDERED:

A handwritten signature in black ink, appearing to read "S. H. Stein", is written over a horizontal line.

Sidney H. Stein, U.S.D.J.